



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/654,208

09/03/2003

Joseph R. Holman

MSFT120610

4630

26389

7590

02/28/2008

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

CHOW, CHIH CHING

ART UNIT

PAPER NUMBER

2191

MAIL DATE

DELIVERY MODE

02/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/654,208	Applicant(s) HOLMAN ET AL.	
	Examiner Chih-Ching Chow	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to amendment dated December 03, 2007.
2. Per Applicants' request, independent claims 1, 13, 25, 37, and 49 have been amended.
3. Claims 1-49 remain pending.
4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 03, 2007 has been entered.

Response to Arguments

5. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendments to the claims, a new citation is applied to 35 USC § 102 rejections and USC § 103 rejections (claims include the amendments) herein below.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5, 7-17, 19-29, 31-41, 43-49 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,957,366, by McDonald, hereinafter “McDonald”.

As Per claim 1, McDonald discloses:

- *A computer-implemented method for determining whether a software application is properly installed on target computer, comprising: obtaining a validation manifest ~~associated with~~ from the software provider of the software application for validating the installation of the software application, the validation manifest comprising validation actions for determining whether the software application is properly installed on the target computer;*
- McDonald’s disclosure is a method/system for determining whether a software application is properly installed on target computer, see McDonald’s column 3, lines 43-49, “the **vendor provides the client with a list of functions to be tested (validated)**, although, alternately, the client could prepare a list of functions **to be tested**, preferably from a list of requirements for the software provided to the vendor by the client. **The list of functions is entered into a software acceptance/regression testing database**, preferably by the client, at step 304, although, alternatively, the vendor could enter the **functions to be tested (to be executed)** into the database. ” – the software application has to be properly installed in order to function properly, therefore McDonald’s disclosure reads on the claim.
- *executing the validation actions in the validation manifest; and based on the results of the executed validation actions, determining whether the software application is properly installed on the target computer.*

See McDonald's column 6, lines 5-6, "when a new release is **installed**, there **are new functionalities of the software to be tested.**" And column 1, lines 26-30, "a development version of the software **will be loaded on the client system** (*target system*) in order for the client to test the software in the environment in which the software will be used. Keeping track of identifying functions to test, assigning the testing of the functions (*validation actions*) to suitable personnel, recording the results of testing ... and finally closing out a function test after successful testing" – the testing and keeping track of test results implies *executing the validation actions, and determining whether the software application is properly installed on the target computer.*

As Per claim 2, McDonald discloses:

- ***The method of claim 1, wherein the validation actions comprise a validation program associated with the software application that, when executed, returns results indicating whether aspects of the software application are properly installed on the target computer.***

Claim 1 rejection is incorporated, further see McDonald's column 3, lines 56-60, "Preferably ticket number 402 is assigned automatically by the **testing software** and preferably is automatically incremented by one by the system, for each new function to be tested, although random ticket numbers may alternately be generated".—the testing software is the validation program, which associates with the software application, it also does the "Keeping track of identifying functions to test, assigning the testing of the functions (*validation actions*) to suitable personnel, recording the results of

testing ... and finally closing out a function test after successful testing” as cited in claim 1 rejection.

As Per claim 3, McDonald discloses:

- *The method of claim 1, wherein the validation actions comprise a validation routine in a loadable module associated with the software application that, when called, returns results indicating whether aspects of the software application are properly installed on the target computer.*

Claim 1 rejection is incorporated, for rest of claim 3 feature See McDonald’s column 6, lines 5-6, “when a new release is **installed**, there **are new functionalities of the software to be tested.**” And column 1, lines 26-30, “a development version of the software **will be loaded on the client system** *(need a loadable module to do the loading)* in order for the client to test the software in the environment in which the software will be used. Keeping track of identifying functions to test, assigning the testing of the functions (*validation actions*) to suitable personnel, recording the results of testing ... and finally closing out a function test after successful testing” – successful testing implies the software application are properly installed and executed.

As Per claim 4, McDonald discloses:

- *The method of claim 1, wherein the validation actions comprise a comparison instruction to compare an aspect of the software application to corresponding validation response information in the validation manifest.*

Claim 1 rejection is incorporated, also see McDonald's claim 16, "and **computer executable instructions** stored on the server computing device for performing the following: receiving data representing a function of the software to be tested; storing the data representing the function of the software to be tested in an acceptance/regression testing database (*the data can be used to compare the results in order to decide whether the test is successful or not*), the acceptance/regression testing database modifiable by a vendor of the software and a client of the vendor wherein **a list of functions to be tested** is entered into the testing database by the client; receiving an identifier of a technician assigned to test the function; storing the identifier in the acceptance/regression testing tracking database; **receiving an indication of a result of the technician's testing of the function**; and storing the indication in the acceptance testing tracking database."

As Per claim 5, McDonald discloses:

- *The method of claim 4, wherein the aspect of the software application compared by the comparison instruction is the modification date of a file provided as part of the software application.*

Claim 4 rejection is incorporated, for rest of claim 5 feature see McDonald's column 2, lines 6-13, "When a new software package or release is received, and is **loaded onto a client development device**, a database is created for tracking functions to test and for logging problems found. The database

may include fields such as but not restricted to: **test identifier**, tester, ticket number, **status**, **date of test**, severity level of problem, test comments, **tracking number**, **resolution**, **fix date**, assigning entity, **version**, and assigned to”.

As Per claim 7, McDonald discloses:

- *The method of claim 4, wherein the aspect of the software application compared by the comparison instruction is the version number of a shared library module used by the software application.*

Claim 4 rejection is incorporated, for the version number feature see claim 5 rejection.

As Per claim 8, McDonald discloses:

- *The method of claim 4, wherein the aspect of the software application compared by the comparison instruction is the version number of a library module provided as part of the software application.*

Claim 4 rejection is incorporated, for the version number feature see claim 5 rejection.

As Per claim 9, McDonald discloses:

- *The method of claim 4, wherein the aspect of the software application compared by the comparison instruction is a system registry associated with the software application.*

Claim 4 rejection is incorporated, for the system registry feature see claim 5 rejection, wherein the ‘test identifier’ the ‘tracking number’ are all considered as system registry associated with the software application.

As Per claim 10, McDonald discloses:

- ***The method of claim 4, wherein the aspect of the software application compared by the comparison instruction is a system environment setting.***

Claim 4 rejection is incorporated, for rest of claim 10 feature see

McDonald's column 1, lines 25-28, "a development version of the software will be loaded on the client system in order for the client to test the software **in the environment** in which the software will be used." It's also '**a client development device**' in claim 5 rejection.

As Per claim 11, McDonald discloses:

- ***The method of claim 1, wherein the validation manifest further comprises installation information for installing the software application on the target computer.***

Claim 1 rejection is incorporated, for rest of claim 11 feature see

McDonald's column 1, lines 26-30, "a development version of the software **will be loaded on the client system** (*target system*) in order for the client to test the software in the environment in which the software will be used.

As Per claim 12, McDonald discloses:

- ***The method of claim 1 further comprising, upon detecting a negative result from executing a validation action, executing a corrective action associated with the validation action.***

Claim 1 rejection is incorporated, for rest of claim 12 feature see

Claim 5 rejection, wherein the 'resolution', and 'fix date' implies corrective actions have been done.

As Per claim 13, McDonald discloses:

- *A system for validating whether a software component is properly installed on a target computer, the system comprising: a processor; and a memory, the memory storing and software application, and further storing a validation module, wherein the validation module: obtains a validation manifest associated with the software application from the provider of the software application, the validation manifest comprising ~~at least one~~ a plurality of validation ~~actions~~ actions for determining whether the software application is properly installed on the target computer; executes ~~[[the]]~~ each validation ~~actions~~ action in the validation manifest; and based on the results of the executed validation actions, determines whether the software application is properly installed on the target computer.*

McDonald's teaching also applies for a system with processor, memory see McDonald's claim 16. Claim 13 is a system version of claim 1, it is rejected on the same basis as claim 1.

As Per claim 14, McDonald discloses:

- *The system of claim 13, wherein the at least one validation action comprises a validation program associated with the software application that, when executed, returns results indicating whether aspects of the software application are properly installed on the target computer.*

Claim 13 rejection is incorporated, for rest of claim 14 feature see

claim 2 rejection.

As Per claim 15, McDonald discloses:

- ***The system of claim 13, wherein the at least one validation action comprises a validation routine in a loadable library associated with the software application that, when called, returns results indicating whether aspects of the software application are properly installed on the target computer.***

Claim 13 rejection is incorporated, for rest of claim 15 feature see claim 3 rejection.

As Per claim 16, McDonald discloses:

- ***The system of claim 13, wherein the at least one validation action comprises a comparison instruction to compare an aspect of the software application to corresponding validation response information in the validation manifest.***

Claim 13 rejection is incorporated, for rest of claim 16 feature see claim 4 rejection.

As Per claim 17, McDonald discloses:

- ***The system of claim 16, wherein the aspect of the software application compared by the comparison instruction is the modification date of a file provided as part of the software application.***

Claim 16 rejection is incorporated, for rest of claim 17 feature see claim 5 rejection.

As Per claim 19, McDonald discloses:

- ***The system of claim 16, wherein the aspect of the software application compared by the comparison instruction is the version number of a shared library module used by the software application.***

Claim 16 rejection is incorporated, for rest of claim 19 feature see claim 7 rejection.

As Per claim 20, McDonald discloses:

- ***The system of claim 16, wherein the aspect of the software application compared by the comparison instruction is the modification date of a file provided as part of the software application.***

Claim 16 rejection is incorporated, for rest of claim 20 feature see claim 8 rejection.

As Per claim 21, McDonald discloses:

- ***The system of claim 16, wherein the aspect of the software application compared by the comparison instruction is a system registry associated with the software application.***

Claim 16 rejection is incorporated, for rest of claim 21 feature see claim 9 rejection.

As Per claim 22, McDonald discloses:

- ***The system of claim 16, wherein the aspect of the software application compared by the comparison instruction is a system environment setting.***

Claim 16 rejection is incorporated, for rest of claim 22 feature see claim 10

rejection.

As Per claim 23, McDonald discloses:

- ***The system of claim 13, wherein the validation manifest further comprises installation information for installing the software application on the target computer.***

Claim 13 rejection is incorporated, for rest of claim 23 feature see claim 11 rejection.

As Per claim 24, McDonald discloses:

- ***The system of claim 13, wherein the validation module, upon detecting a negative result from executing a validation action, executes a corrective action associated with the validation action.***

Claim 13 rejection is incorporated, for rest of claim 24 feature see claim 12 rejection.

As Per claim 25, McDonald discloses:

- ***A networked computing environment for validating whether a software application is properly installed on a client computer, the system comprising: a client computer upon which the software application is installed; and an administrator computer, the administrator computer operable to: obtain a validation manifest ~~relating to~~ from the provider of the software application, the validation manifest comprising validation actions for determining whether the software application is properly installed on the client computer, each validation action comprising***

a computer-executable action for determining at least one aspect of whether the software application is properly installed on the client computer, data for use in the computer-executable action, and a result value indicative of whether at least the one aspect of the software application is properly installed on the client computer; carry out the validation actions in the validation manifest; and based on the results of carrying out the validation actions, determine whether the software application is properly installed on the client computer.

McDonald's teaching also applies for a networked computing environment, see McDonald's Figure 1, and description in column 2, lines 36-38, "FIG. 1 is a block diagram of an exemplary **network environment** in which aspects of the invention may be implemented. Claim 25 is a networked computing environment version of claim 1, therefore, see claim 1 rejection.

As Per claim 26 , McDonald discloses:

- *The networked computing environment of claim 25, wherein the validation actions comprise a validation program associated with the software application which, when executed, returns results indicating whether aspects of the software application are properly installed on the client computer.*

Claim 25 rejection is incorporated, for rest of claim 26 feature see claim 2 rejection.

As Per claim 27, McDonald discloses:

- *The networked computing environment of claim 25, wherein the*

validation actions comprise a validation routine in a loadable library on the client computer associated with the software application which, when called, returns results indicating whether aspects of the software application are properly installed on the client computer.

Claim 25 rejection is incorporated, for rest of claim 27 feature see claim 3 rejection.

As Per claim 28, McDonald discloses:

- The networked computing environment of claim 25, wherein the validation actions comprise a comparison instruction to compare an aspect of the software application installed on the client computer to corresponding validation response information in the validation manifest.

Claim 25 rejection is incorporated, for rest of claim 28 feature see claim 4 rejection.

As Per claim 29, McDonald discloses:

- The networked computing environment of claim 28, wherein the aspect of the software application compared by the comparison instruction is the modification date of a file on the client computer installed as part of the software application.

Claim 28 rejection is incorporated, for rest of claim 29 feature see claim 5 rejection.

As Per claim 31, McDonald discloses:

- The networked computing environment of claim 28, wherein the aspect of the software application compared by the comparison instruction is the

version number of a shared library module used by the software application.

Claim 28 rejection is incorporated, for rest of claim 31 feature see claim 7 rejection.

As Per claim 32, McDonald discloses:

- ***The networked computing environment of claim 28, wherein the aspect of the software application compared by the comparison instruction is the version number of a library module installed as part of the software application.***

Claim 28 rejection is incorporated, for rest of claim 32 feature see claim 8 rejection.

As Per claim 33, McDonald discloses:

- ***The networked computing environment of claim 28, wherein the aspect of the software application compared by the comparison instruction is a system registry on the client computer associated with the software application.***

Claim 28 rejection is incorporated, for rest of claim 33 feature see claim 9 rejection.

As Per claim 34, McDonald discloses:

- ***The networked computing environment of claim 28, wherein the aspect of the software application compared by the comparison instruction is an system environment setting on the client computer.***

Claim 28 rejection is incorporated, for rest of claim 34 feature see claim 10 rejection.

As Per claim 35, McDonald discloses:

- ***The networked computing environment of claim 25, wherein the validation manifest further comprises installation information for installing the software application on the client computer.***

Claim 25 rejection is incorporated, for rest of claim 35 feature see claim 11 rejection.

As Per claim 36, McDonald discloses:

- ***The networked computing environment of claim 25, wherein the administrator computer is further operable to, upon detecting a negative result from executing a validation action, execute a corrective action associated with the validation action.***

Claim 25 rejection is incorporated, for rest of claim 36 feature see claim 12 rejection.

As Per claim 37, McDonald discloses:

- ***A computer-readable medium having computer-readable instructions which, when executed, carry out the method comprising: obtaining a validation manifest associated with the software application from the software application provider, the validation manifest comprising validation actions for determining whether the software application is properly installed on the target computer; executing the validation actions***

in the validation manifest; and based on the results of the executed validation actions, determining whether the software application is properly installed on the target computer.

McDonald's teaching also applies for a computer-readable medium, see McDonald's Claim 15. Claim 37 is a computer-readable medium version of claim 1, it is rejected on the same basis as claim 1.

As Per claim 38, McDonald discloses:

- The method of claim 37, wherein the validation actions comprise a validation program associated with the software application that, when executed, returns results indicating whether aspects of the software application are properly installed on the target computer.

Claim 37 rejection is incorporated, for rest of claim 38 feature see claim 2 rejection.

As Per claim 39, McDonald discloses:

- The method of claim 37, wherein the validation actions comprise a validation routine in a loadable module associated with the software application that, when called, returns results indicating whether aspects of the software application are properly installed on the target computer.

Claim 37 rejection is incorporated, for rest of claim 39 feature see claim 3 rejection.

As Per claim 40, McDonald discloses:

- The method of claim 37, wherein the validation actions comprise a

comparison instruction to compare an aspect of the software application to corresponding validation response information in the validation manifest.

Claim 37 rejection is incorporated, for rest of claim 40 feature see claim 4 rejection.

As Per claim 41, McDonald discloses:

- ***The method of claim 40, wherein the aspect of the software application compared by the comparison instruction is the modification date of a file provided as part of the software application.***

Claim 41 rejection is incorporated, for rest of claim 41 feature see claim 5 rejection.

As Per claim 43, McDonald discloses:

- ***The method of claim 40, wherein the aspect of the software application compared by the comparison instruction is the version number of a shared library module used by the software application.***

Claim 40 rejection is incorporated, for rest of claim 43 feature see claim 7 rejection.

As Per claim 44, McDonald discloses:

- ***The method of claim 40, wherein the aspect of the software application compared by the comparison instruction is the version number of a library module provided as part of the software application.***

Claim 40 rejection is incorporated, for rest of claim 44 feature see claim 8 rejection.

As Per claim 45, McDonald discloses:

- ***The method of claim 40, wherein the aspect of the software application compared by the comparison instruction is a system registry associated with the software application.***

Claim 40 rejection is incorporated, for rest of claim 45 feature see claim 9 rejection.

As Per claim 46, McDonald discloses:

- ***The method of claim 40, wherein the aspect of the software application compared by the comparison instruction is a system environment setting.***

Claim 40 rejection is incorporated, for rest of claim 46 feature see claim 10 rejection.

As Per claim 47, McDonald discloses:

- ***The method of claim 37, wherein the validation manifest further comprises installation information for installing the software application on the target computer.***

Claim 37 rejection is incorporated, for rest of claim 47 feature see claim 11 rejection.

As Per claim 48, McDonald discloses:

- ***The method of claim 37 further comprising, upon detecting a negative result from executing a validation action, executing a corrective action associated with the validation action.***

Claim 37 rejection is incorporated, for rest of claim 48 feature see

claim 12 rejection.

As Per claim 49, McDonald discloses:

- *A computer implemented method for determining whether a plurality of software applications are properly installed on a target computer, the method comprising: identifying a plurality of software applications installed on the target computer; and for each identified software application: obtaining a validation manifest associated with the software application from the provider of the software application, the validation manifest comprising validation actions for determining whether the software application is properly installed on the target computer, wherein each validation action in the validation manifest comprises a token corresponding to a computer-executable action, data for use by the computer-executable action in validating the software application, mid an expected result of the computer-executable action indicative of a valid installation;*

executing the validation actions in the validation manifest; and based on the results of the executed validation actions, determining whether the software application is properly installed on the target computer.

McDonald's teaching is to validate installing software applications, there can be a plurality of software applications. Claim 49 is a computer implemented method for a plurality of software applications version of claim 1, it is rejected on the same basis as claim 1.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6, 18, 30, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,957,366, by McDonald, hereinafter “McDonald”.

As Per claim 6, McDonald discloses:

- *The method of claim 4, wherein the aspect of the software application compared by the comparison instruction is the file size of a file provided as part of software application.*

Claim 4 rejection is incorporated, use the ‘file size’ as comparison instruction feature is a well-known skill to the people in the art, see paragraph [0028] of current application, “determining whether installed files associated with the software application are of the **appropriate size** and have a correct modification date. **Those skilled in the art will recognize that any number of combinations of the above-listed validation actions,** or other validation actions, may be placed in a validation manifest to verify that the software application is properly installed”.

As Per claim 18, McDonald discloses:

- *The system of claim 16, wherein the aspect of the software application*

compared by the comparison instruction is the file size of a file provided as part of software application.

Claim 16 rejection is incorporated, for rest of claim 18 feature see claim 6 rejection.

As Per claim 30, McDonald discloses:

- ***The networked computing environment of claim 28, wherein the aspect of the software application compared by the comparison instruction is the file size of a file installed as part of software application.***

Claim 28 rejection is incorporated, for rest of claim 30 feature see claim 6 rejection.

As Per claim 42, McDonald discloses:

- ***The method of claim 40, wherein the aspect of the software application compared by the comparison instruction is the file size of a file provided as part of software application.***

Claim 40 rejection is incorporated, for rest of claim 42 feature see claim 6 rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Osthoff et al., US 2005/0091501, discloses a method of loading data, such as software, into a mobile terminal, where the data is loaded from a loading station, and the data comprises payload data and header data. The mobile terminal

accepts the data conditioned on a verification process based on the header data.

Conner et al., US Patent No. 6,816,882, discloses a method of the application provider negotiates hosting terms with the service provider prior to installing the application into the service provider's warehouse. The application provider also checks that the services provided by the service provider meet the minimum requirements of the application. Once installed, the service provider may offer the application to other users along with services for the application.

Matsushima, US 2004/0078783, discloses a tool for software verification support which can collectively collect information effective for verification of software operations such as understanding of operating environments of software, following up of a fault cause, verification of normal operations by one-touch operation or by a command from a program.

Gonzalez et al., US 2003/0200149, discloses a vendor of network components may generate a network installation package (NIP) based on a list of devices to be included in the network and a library of installation guidelines. The NIP may include multiple items of software, documentation, etc., for devices to be included in the network, as well as a network installation manager (NIM) and customized installation instructions.

11. The following summarizes the status of the claims:

35 USC § 102 rejection: Claims 1-5, 7-17, 19-29, 31-41, 43-49

35 USC § 103 rejection: Claims 6, 18, 30, 42

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Ching Chow whose telephone number is 571-272-3693. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the **TC2100 Group receptionist: 571-272-2100**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chih-Ching Chow
Examiner
Art Unit 2191
February 26, 2008

CC

/MARY STEELMAN/
for /Mary Steelman/, Primary Examiner of Art Unit 2191